

THE METROPOLITAN POLICE TAKE OVER THE INVESTIGATION

The investigation appeared to be close to an outcome which would result in it being declared by the Supervising Member to be "Unsatisfactory". At the Supervising Member's request the Chairman of the Commission conveyed her concerns to the Chief Constable. Because there were issues of public interest and in the light of the United Kingdom's commitments to the United Nations, who had established an interest in the case, the Secretary of State was also communicated with.

The concerns surrounding the investigation were discussed in a meeting at the Commission's headquarters on 1st July 1998 between the Supervising Member, the Chief Constable and his Staff Officer, the Chairman of the Commission and the Commission's Chief Executive.

The Chief Constable proposed that the complaints investigation be taken over by officers from an outside force, subject to the usual vetting of, and approval by the Commission, of the nominated Investigating Officer.

This suggestion was acceptable to the Supervising Member.

The Commission is a statutory body with supervising and disciplinary responsibilities in respect of alleged police misconduct. These responsibilities and the powers that accompany them constitute a position of privilege in respect of any concerns that might be identified by the Commission Members in the discharge of their duties. It is therefore inappropriate for the Supervising Member's concerns on the conduct of this investigation to be considered as constituting a complaint by the Commission.

In response to these concerns the Chief Constable indicated that he was of a mind to ask the external Investigating Officer to consider the conduct of officers in the investigation undertaken by RUC officers. This was not to be a full and formal investigation into the detailed of the specified conduct, but rather an over-arching review that would be reported to him. While clearly the Commission could not submit its stewardship in this case to the scrutiny or critique of an Investigating Officer, the Supervising Member indicated that she would however provide information on the conduct of the police officers concerned.

On 9th July 1998 the Supervising Member met with and approved as Investigating Officer Commander Niall Mulvihill of the Metropolitan Police Service.